

STAFF REPORT
Community Development Department
Petition Number: SE-12-008

To: Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: June 5, 2012

BZA meeting date: June 13, 2012

Requested Action/General Information:

Jason Lewis, agent for Discount Tire Company, is requesting a special exception to allow a retail tire sales and service facility, in a Commercial General (CG) zoning district. The subject property consists of a one-acre lot located at 19681 Cochran Boulevard in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial General (CG). This property has a DRI Mixed Use Future Land Use Map (FLUM) designation.

Discount Tire is proposing a tire sales and service facility on this one-acre lot, located at the southeast corner of Cochran and Peachland Boulevards. The applicant would like to be allowed to install and service tires on automobiles at the proposed new tire store. Retail sale of tires is a permitted use in the Commercial General zoning district; however, tire installation and service is not. Based on **Section 3-9-42 (Exhibit A)**, of the Zoning Code subsection (e)(7) allows "Window tinting and radio installation within an enclosed building." by special exception. As such the Zoning Official has determined that an indoor tire service facility may be allowed by special exception in the CG zoning district and the applicant has submitted this application for a special exception.

The applicant has submitted the attached **Concept Site Plan (Exhibit B)** to show the proposed development of the property. The proposed building includes three overhead service doors on the north side of the building for access to the indoor tire service facility. The applicant has also prepared **Conceptual Elevations (Exhibit C)** showing the four exterior elevations of the building, which will house the proposed tire sales and service facility. This building must comply with the Commercial Design Standards of Charlotte County Codes.

Subject property consists of just over one-acre of land, which does meet the 12,000 square foot minimum lot size requirement for CG zoned property. As such, this property is conforming with regard to lot size. Staff also believes this property is of an adequate size to support the proposed use.

The applicant has also submitted the attached **Narrative (Exhibit D)** explaining how they believe this request meets the criteria for granting a special exception. The Community Development Department's Environmental Specialist has performed a cursory review and their comments are in the attached **Memorandum (Exhibit E)** dated May 24, 2012.

Findings: **The six standards for approval for a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:**

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: The Zoning Official has determined that an indoor tire service facility may be allowed by special exception in the Commercial General (CG) zoning district, based on Sections 3-9-42(e)(11) of the Zoning Code.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Vacant lot and Mini-storage facility	Industrial General (IG)	DRI Mixed Use
South	Retail & service uses	Commercial General (CG)	DRI Mixed Use
East	Vacant lots	Commercial General (CG)	DRI Mixed Use
West	Retail uses including an auto parts store	Commercial General (CG)	DRI Mixed Use

Finding: The surrounding land uses consist primarily of commercial retail and service uses. Staff believes that the proposed tire store and service facility would be compatible with all of the surrounding land uses.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: Subject property has no direct access to the adjacent streets. Two existing access drives off of Cochran and Peachland Boulevards provide access to this commercial subdivision and shared access drives provide access to this property. No changes are proposed to this existing access. This development will be required to go through the Site Plan Review process.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: Other code requirements, including setbacks and landscaping, apply to this proposed development and must comply with the current zoning and landscaping codes.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and Land Development Regulations.

Finding: Staff believes that the proposed tire sales and service facility would be in compliance with the **Smart Charlotte 2050 Plan**, which allows retail sales and service uses, and the Land Development Regulations, which requires a special exception to allow installation of automotive equipment.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the proposed tire sales and service facility would not be detrimental to or endanger the public health, safety or general welfare of the surrounding commercial properties since the proposed use will be developed according to the commercial design standards, and tire service activities will take place within an enclosed building.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed tire sales and service facility does meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. The special exception as approved by the Board of Zoning Appeals is to allow a tire sales and service facility.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
3. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and operation of a tire sales and service facility.
4. There shall be no outdoor display or storage of tires, auto parts, or any other merchandise.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the application rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Section 3-9-42, Concept Site Plan, Conceptual Elevations, Narrative and Environmental Specialist Memorandum (2)



Open
for Business

SE-12-008 Location Map

Map Prepared By
Charlotte County
Community Development
Department



08/40/22 Mid County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created 05-24-2012

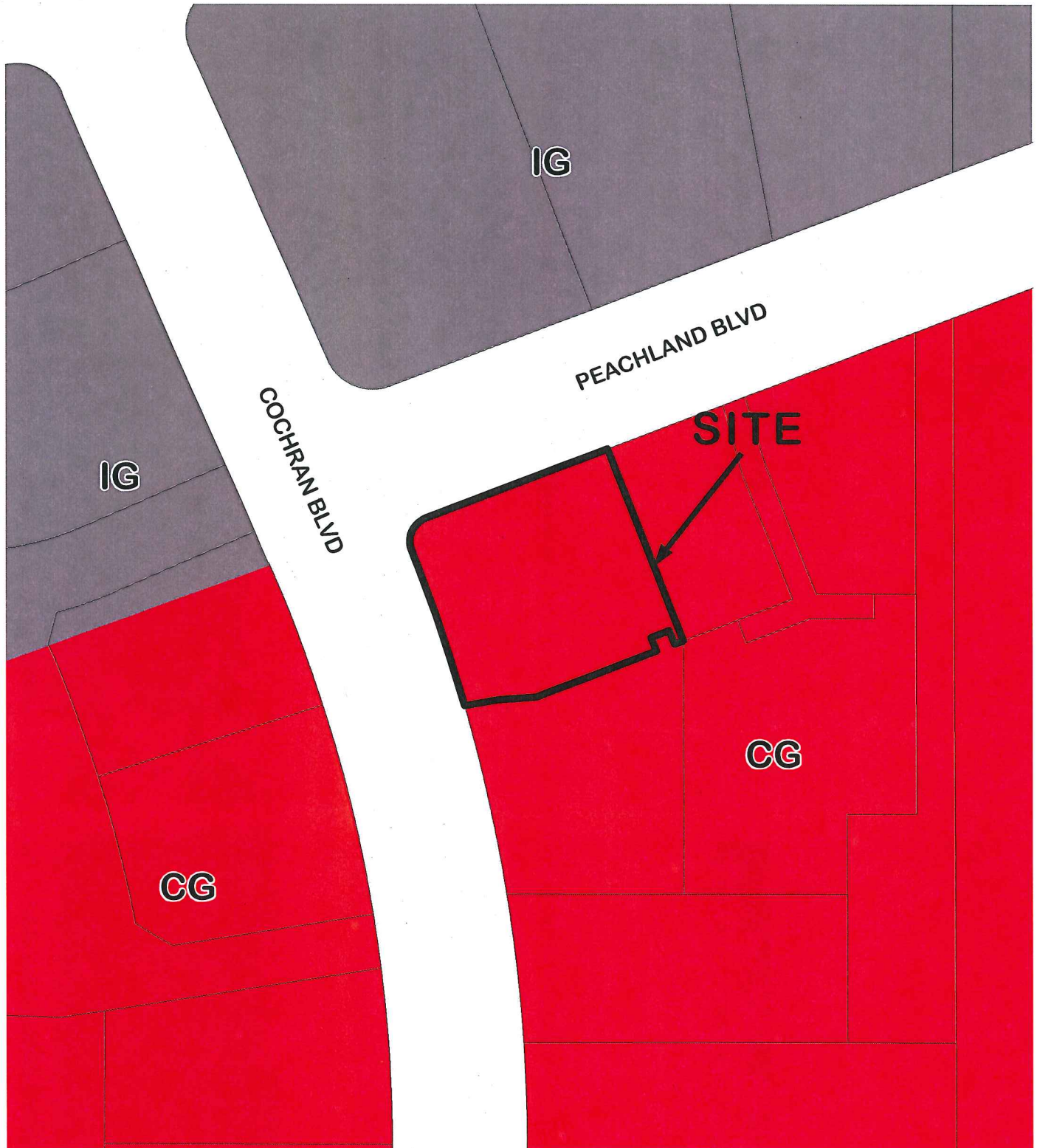




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SE-12-008 Zoning Map

Map Prepared By
Charlotte County
Community Development
Department



08/40/22 Mid-County

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SE-12-008 Aerial Photo

Map Prepared By
Charlotte County
Community Development
Department



08/40/22 Mid County

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Site plan approval pursuant to section 3-9-5.1 is required prior to all development in this district. Landscape buffers and screening shall be required in this district in accordance with the provisions of article XXII, chapter 3-5, of the Code, as the same may be amended. If the CN district abuts a residential district, no structure other than screening required pursuant to article XXII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than twenty-five (25) feet or the building height, whichever is greater.

Where properties lie anywhere on a barrier island or within twelve hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.

(g) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-90.

(h) *Lighting.* Maximum height of lighting fixtures shall be fifteen (15) feet, arranged so that no direct source of light is visible from any residentially zoned property.

(i) *Utility areas.* Utility areas, including trash receptacles, shall be completely screened from the view of customers and adjacent property owners and shall be located in the rear yard in case of interior lots and in the side yard in case of corner lots.

(j) *Signs.* Signs shall be in accordance with section 3-9-95.
(Ord. No. 89-34, § 15, 5-31-89; Ord. No. 94-58, §§ 1—5, 11-3-94; Ord. No. 2001-031, § 1(l), 6-12-01; Ord. No. 2002-008, § 1, 1-28-02)

Editor's note—The provisions of former § 3-9-41 are now found in § 3-9-45.

Sec. 3-9-42. Commercial, general (CG).

(a) *Intent.* The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.

(b) *Permitted principal uses and structures.* The following uses and structures are permitted in this district:

- (1) Hotels, motels and restaurants.
- (2) Professional services.
- (3) Personal services.
- (4) Business services.
- (5) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
- (6) Parking lots and parking garages in support of permitted uses in the CG zoning district.

- (7) Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers and instruments, provided the services are performed on parts off the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
- (8) Automotive parts, provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
- (9) Resort marinas.
- (10) Sport marinas.
- (11) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation may be outside the building.
- (12) Private clubs.
- (13) Post offices.
- (14) Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys and similar uses.
- (15) Vocational, trade, business schools, colleges and universities, provided all activities are conducted in completely enclosed buildings.
- (16) Banks and other financial institutions.
- (17) Animal hospitals with boarding of animals in completely enclosed buildings.
- (18) Adult congregate living facilities in accordance with section 3-9-63.1.
- (19) Package stores for the sale of liquor.
- (20) Houses of worship in accordance with section 3-9-80.1.
- (21) Model homes not intended to be used for residential purposes.
- (22) Funeral homes, crematoria.
- (23) Laundromats and dry cleaning facilities.
- (24) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, greater than one thousand (1,000) feet from a church or school.
- (25) Billiard parlors and game arcades.
- (26) Essential and emergency services.
- (27) Gas pumps with site plan approval by the development review committee.
- (28) Car wash with site plan approval by the development review committee.
- (29) Laboratories, class 3, provided central sewer is available.
- (30) Child and adult day care facilities.
- (31) Photocopying shops.

(Exhibit A-2)

(c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses.

(d) *Prohibited uses and structures.* Any use or structure not expressly, or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.

(e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:

- (1) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, subject to the provisions of section 3-9-66 of this Code, less than one thousand (1,000) feet from a church or school.
- (2) Mass transit stations.
- (3) Miniature golf courses.
- (4) Elementary, middle, and high schools.
- (5) Outdoor markets.
- (6) Television and radio transmitter towers.
- (7) Window tinting and radio installation within an enclosed building.
- (8) Heliport or helistop.
- (9) Mini-warehouse.
- (10) Automobile rental agencies.
- (11) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.

(f) *Development standards.* The following development standards shall apply in this district:

Minimum lot requirements:

Area, square feet	12,000
Width, feet	100

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
G1	25.00'	39.79'	35.72'	S 27°26'22" W.	91°11'51"
G2	1640.00'	169.71'	169.84'	S 19°11'45" E	93°55'44"
G3	1640.00'	200.93'	199.91'	S 12°44'16" E	06°59'19"

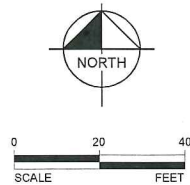


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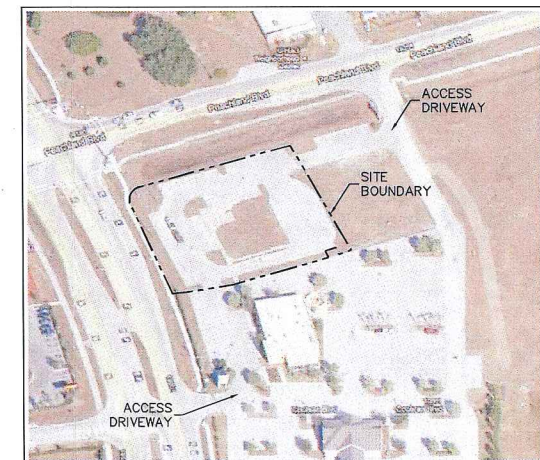
CONCEPT SITE PLAN	ALT. 1R
LANDSCAPE PLAN	L-400
LANDSCAPE NOTES	L-450
LANDSCAPE DETAILS	L-451
SITE PHOTOMETRIC PLAN	ES1.0
SURVEY	

SITE DATA:

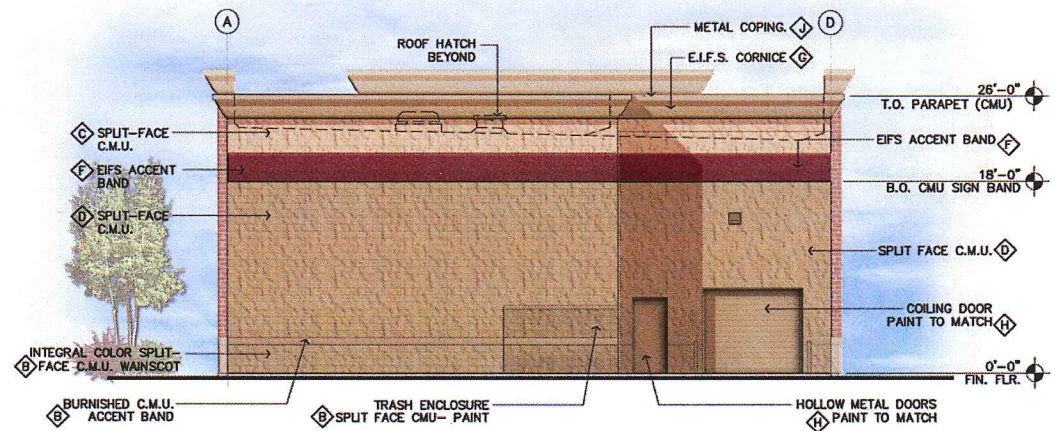
PARCEL ID: 402208130001

- | | |
|------------------------------|--|
| 1) SITE AREA: | ±1.1 ACRES |
| 2) PARKING PROVIDED: | 39 SPACES |
| 3) PARKING REQUIRED: | 24 SPACES
(4 SPACES/BAY + 10 EMPLOYEES) |
| 4) EXISTING IMPERVIOUS AREA: | ±0.79 ACRES |
| 5) PROPOSED IMPERVIOUS AREA: | ±0.78 ACRES |
| 6) BLDG SETBACKS | |
| FRONT: 25 FT | |
| REAR: 10 FT | |
| SIDE (R/W): 20 FT | |
| SIDE (INTERIOR): N/A | |

Concept Site Plan (Exhibit B)



AERIAL MAP



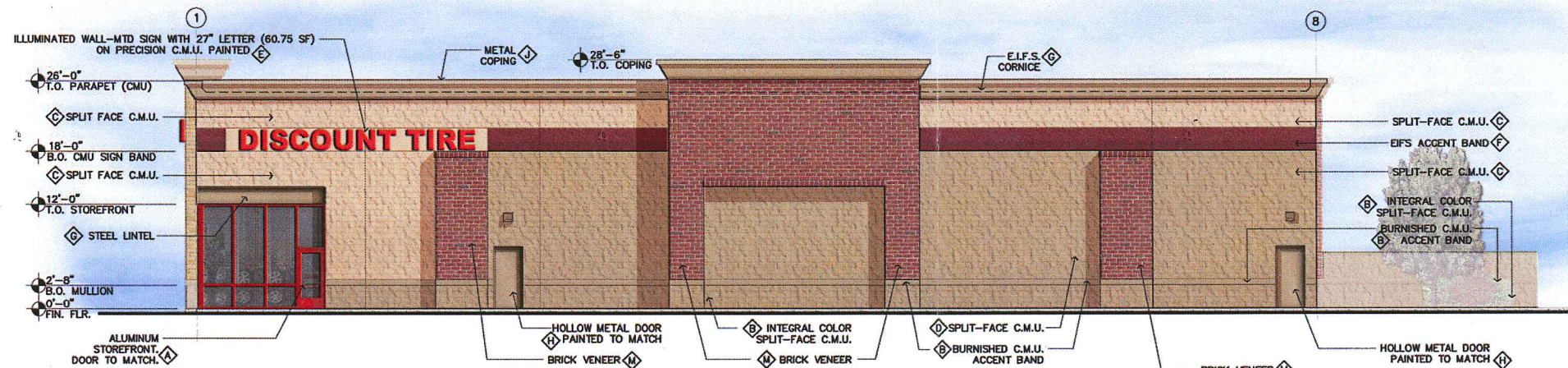
EAST ELEVATION

SCALE: 1/8" = 1'-0"



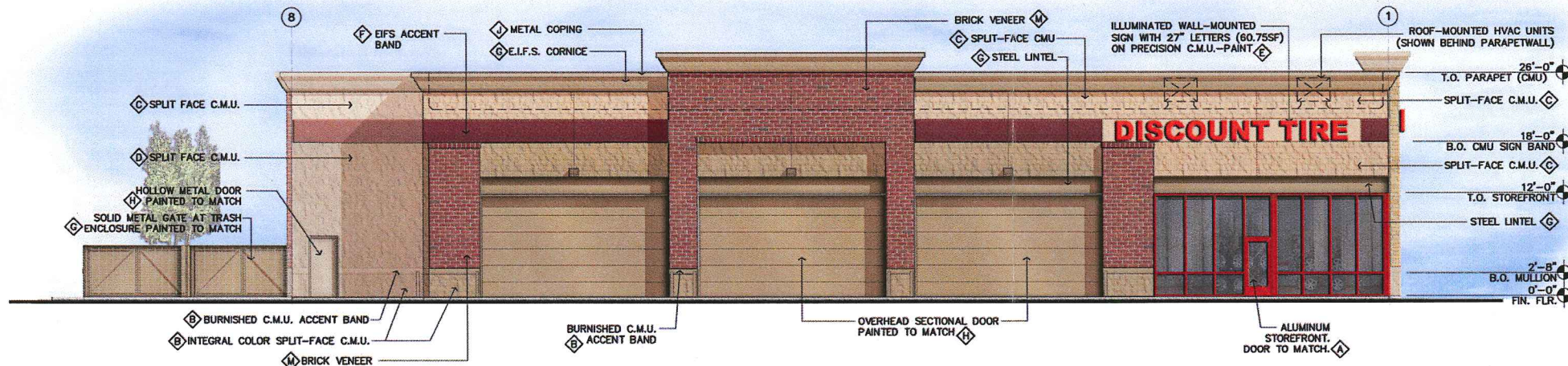
WEST ELEVATION (Cochran Blvd)

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION (Peachland Blvd)

SCALE: 1/8" = 1'-0"

FINISH LEGEND	
Ⓐ	MANUFACTURER'S STANDARD COLOR TO MATCH "BANNER RED"
Ⓑ	INTEGRAL COLOR C.M.U. (SPLIT-FACE OR BURNISHED AS NOTED) TO MATCH "WORSTED TAN"
Ⓒ	SPLIT FACE C.M.U. PAINTED TO MATCH "PEACH LIGHT"
Ⓓ	SPLIT FACE C.M.U. - PAINTED TO MATCH "WORSTED TAN"
Ⓔ	PAINT - SHERWIN WILLIAMS TO MATCH "PEACH LIGHT"
Ⓕ	EIFS ACCENT BAND - PAINT, SHERWIN WILLIAMS TO MATCH "BURGUNDY"
Ⓖ	PAINT - SHERWIN WILLIAMS TO MATCH "WORSTED TAN"
Ⓗ	METAL DOORS PAINTED TO MATCH "WORSTED TAN"
Ⓙ	METAL COPING - FACTORY PAINTED / INTEGRAL COLOR TO MATCH "SIERRA TAN" COLOR
Ⓚ	SPARE
Ⓛ	BRICK VENEER - PACIFIC CLAY, FACE BRICK COLOR: "ROYAL SALTILLO"
Ⓜ	BRICK VENEER - PACIFIC CLAY, FACE BRICK COLOR: "RED FLASHED VELOUR"

Conceptual Elevations
(Exhibit C)

ALT - 1R



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CONCEPTUAL ELEVATIONS

Cochran Blvd & Peachland Blvd
PORT CHARLOTTE, FL 33948

JOB # A120359

Date: 3.22.12

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Sheet No.

A.2

Special Exception Narrative

Discount Tire

Parcel ID: 402208130001

Discount Tire (the "Applicant") is requesting approval for a Special Exception to construct a 6,945 square foot tire sales and related installation facility within the Murdock Circle DRI – Increment I. The property is located on east side of Cochran Boulevard, south side of Peachland Boulevard, Parcel P9-1 of the Cochran Corner Subdivision. The property is currently zoned CG, Commercial General with a DRI Mixed Use Future Land Use designation. This currently vacant 1.1 acre lot is located within an area of mixed use retail, commercial, professional office and limited light industrial. Big box and similar types of uses are located across (west of) Cochran Boulevard and are zoned CG; uses to the north include a storage facility, light industrial/warehousing with outdoor storage and cellular telecommunications tower zoned IG.

The CG zoning (3-9-42) provides as a permitted principal use and structures, automotive specialty services and automotive parts, provided no installation is performed on the premises. Sub-section (e)(11) notes special exceptions including "such other uses as determined by the zoning official or his/her designee to be appropriate by reasonable implication and intent of the district, similar to another use either explicitly permitted in that district or allowed by special exception or not specifically prohibited. The Applicant's authorized agent met with staff on March 29, 2012, and it was determined the proposed use would require review based on the intent of the Special Exception criteria.

Consistent with Charlotte County Code Section 3-9-7(f), the proposed use:

- Is consistent with the list of permitted, principal uses and special exception uses. Automotive related uses are a permitted use, excluding on-site service, within the CG district. The type and manner of the sales and installation associated with Discount Tire occurs within the building and does not include additional services (i.e., vehicle repair, body shop, etc.).
- Is consistent and compatible with the surrounding development pattern and uses. As previously noted, the area is a mixture of non-residential uses including commercial, retail, office and limited light industrial uses.
- Has sufficient access via internal, inter-connected driveway system with continuing access to both Cochran Boulevard and Peachland Boulevard.
- Provides additional design and development provisions including improved building design and architectural components, buffering, open space and landscaping. Additional screening is also provided.
- Does not require or request additional considerations with regard to variances or other exceptions including but not limited to setbacks, parking or screening.
- Does not endanger nor detrimental to the public health, safety and general welfare. Activities are contained within the proposed building (i.e., sales and installation) and there is no proposed outdoor storage of materials.

(Exhibit D)



Charlotte County Government

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MEMORANDUM

Date: May 24, 2012
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-12-008
Discount Tire Company
19681 Cochran Boulevard

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments:

A GIS aerial review and preliminary environmental assessment was conducted by staff. The property consists of a paved and sodded parking lot surrounded by commercial uses. An active bald eagles nest is documented within 660 feet of the project site. Florida Fish and Wildlife Conservation Commission (FWCC) coordination will be required during the Site Plan Review process and prior to the issuance of any county permit or land improvement activities.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with;

Chapter 3-2:
Article IX. TREE REQUIREMENTS*

(Exhibit E-1)

COMMUNITY DEVELOPMENT DEPARTMENT- -Zoning Division

18400 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1290 | Fax: 941.743.1598

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION**,
Article XVIII, *LANDSCAPING AND BUFFERS**

- ❖ The project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit E-2)